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POLITICAL

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Original: English

NATO Parliamentary Assembly

SUB-COMMITTEE ON TRANSATLANTIC RELATIONS

5 YEARS INTO THE 'WAR ON TERROR' – IMPACT AND IMPLICATIONS FOR THE TRANSATLANTIC ALLIANCE

DRAFT REPORT

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International Secretariat   27 April 20007

*   *Until this document has been approved by the Political Committee, it represents only the views of the Rapporteur.*

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I.   INTRODUCTION

1.   The terrorist attacks on the United States on 11 September 2001 dramatically changed the global security landscape and had a profound impact on the transatlantic relationship and NATO.

2.   This report takes a brief look where the Alliance and the transatlantic partners stand five years after US President George W. Bush declared the "war on terror". The paper argues that progress has been made, but that the Allies need to expand and refine their instruments and that NATO's political-diplomatic clout has not been used to its full potential.   NATO's role in combating terrorism is important, but limited.   Many of the essential activities of the fight against terrorism occur outside NATO, through bilateral cooperation, or are done by international actors such as the UN.

II.   DEFINING THE THREAT

3.   The threat of terrorism, brutally exposed by 9/11, does not come from an organised enemy with a clear identity and a coherent set of objectives.   The threat emanates from a relatively small number of loose, shifting and disparate groups that want to force their individual and narrow values on others without dialogue, without debate, and through violence.   Religious extremism, while not the sole motivation for terrorism, is likely to be the most immediate source of terrorist threats in the short to medium term.   In 2006, 706 individuals were arrested in 15 EU member states on suspicion of terrorism offences, and half of these arrests were related to Islamist terrorism.   Among the range of terrorist threats, that of "home-grown" terrorism is a particular concern, because it is more difficult to anticipate their motives or actions of potential terrorists who are citizens of Western countries.   "Home-grown" Islamic terrorism is considered a bigger problem in Europe than in the US or in Canada, however, as the Muslim communities in Western European countries account for a larger percentage of the population, and because Muslims in North America are not least auf their much smaller number generally better integrated into society than their counterparts in Europe.

4.   The threat of terrorism is global and the widespread availability of information technology has enabled terrorist organisations to communicate in new and more effective ways.   Terrorists can increasingly operate "virtually" and without formal structures.   They can share tactics and strategies through the internet and there is evidence of collaboration between terrorist organisations and international criminal organisations.

5.   Terrorist groups like al-Qaeda have planned attacks across the world, from Afghanistan to Indonesia to the United Kingdom and the United States.   Terrorist groups work across borders and in stateless cyberspace.   While homeland security will always remain the main responsibility of nation states, no single nation can defeat terrorism on its own, as it is a global threat international co-operation between national authorities, and firm and decisive resistance of the societies is essential to ensuring the safety of innocent civilians around the world.

III.   NATO'S EVOLVING ROLE IN COMBATING TERRORIST GROUPS

6.   All international organisations have some role to play in combating terrorism, as it is a multi-faceted threat requiring a multi-pronged response.   However, as a long-established political-military organisation, NATO has particular comparative advantages in this struggle.   The capabilities of NATO member countries and their co-operation with geographically, ethnically, and culturally diverse partner countries, allow NATO as an organisation to create counter-terrorism strategies that are useful to a wide range of situations and threats.   NATO can also help countries with weaker defences against terrorism by spreading expertise from countries that

have had more experience in this area. Through the North Atlantic Council (NAC) and its consensus-driven decision-making, NATO has the ability to generate political will among the Allies to address terrorism. NATO also has proven intelligence-sharing channels, used in the military domain. NATO also has the military assets needed for operations to interdict terrorist activity or supplies, including force generation and command and control procedures. Finally, through science and technology cooperation, NATO can perform the research and development necessary to find new methods to counteract terrorism. Together, these areas are essential to the global war on terrorism, and should be fully exploited by Allies for this purpose.

7.   The attacks of 11 September 2001 were a turning point for NATO, propelling the fight against internationally active terrorist groups to the top of NATO's priorities. Almost all of NATO's activities today are shaped by the struggle against terrorism. While terrorism was listed as a threat when NATO revised its Strategic Concept in 1999, there was little talk within the Alliance, either at the strategic or at the operational level, at that time about how NATO should combat this threat. However, within 24 hours of the terrorist attacks on America the Alliance invoked Article 5 of the Washington Treaty for the first time in its history. This use of collective defence, one the founders of NATO could not have envisioned, made abundantly clear that the Alliance faced a new threat, and that the Alliance needed to find a way to respond.

8.   Operationally, the Alliance agreed to eight measures to aid the United States immediately after 9/11, including its first official counter-terrorism operations. NATO deployed its Standing Naval Force Mediterranean to the Eastern Mediterranean (Operation "Active Endeavour" - OAE) and sent Airborne Warning and Control System (AWACS) aircraft to help defend the US from further attack. Additionally, NATO members agreed increased intelligence sharing, assistance to states subject to increased terrorist threat, blanket overflight rights for counter-terrorism operations, free access to ports, and finally to "backfill" selected Allied assets that were being used to fight terrorism.

9.   Politically, however, these eight measures were seen as small compared to the operation that the US launched to overthrow the Taliban in Afghanistan. NATO Allies had offered the US many more resources for its initial campaign in Afghanistan, but the US administration preferred to run the campaign through its own Central Command, rather than through NATO command. This decision was based largely on the US administration's perception that the Kosovo campaign was made more difficult through problems with "targeting by committee". It was also due to the fact that NATO lacked, at that point, the range of capabilities needed for such a large operation far from NATO territory, particularly one that relied heavily on Special Forces. In the end, however, 15 of the then 19 Allies contributed to the initial Afghanistan campaign on a national basis, including large troop contributions and air and naval resources.

10.   Following intense discussion among member states as to the appropriate role for the Alliance in the fight against terrorism, the Allies agreed in early 2002 that NATO's role should be "to help deter, defend, disrupt, and protect against terrorist attacks, or threat of attacks, directed from abroad against our populations, territory, infrastructure and forces, including by acting against these terrorists and those that harbour them," as the political guidance provided the NAC stated. This overall goal has directed all further efforts by the Alliance to combat terrorism.

11.   Recent NATO Summits have adopted incremental measures to enhance Allied capabilities to fight terrorism. At the Prague Summit in 2002, NATO Heads of State and Government agreed to a new Military Concept for the Defence against Terrorism that recognised four key areas where NATO can play a role: antiterrorism, i.e. defensive measures against terrorism; management of the consequences of a terrorist attack; offensive counter-terrorism operations; and military co-operation, particularly intelligence sharing. These four areas are clearly military competencies, and on these military dimensions NATO has made much progress. The Alliance also initiated a new Missile Defense Feasibility Study.

12.   The transformation in NATO capabilities since autumn 2001 is perhaps the most striking change in the Alliance. At the Prague Summit, the Allies adopted a three-pronged approach to improving its defence capabilities - launching of the Prague Capabilities Commitment (PCC), the creation of the NATO Response Force (NRF) and the streamlining of the military command structure. The PCC set specific targets for each Ally, and the Alliance collectively, to increase capabilities in over 400 specific areas. While these capabilities span many different military fields, all are relevant to counter-terrorist operations.   Progress on implementation of the PCC, however, has been mixed, thereby delaying and diminishing NATO's usefulness in the struggle against terrorism.

13.   More successful has been the creation of the NRF, a rapid reaction force that is self-sustainable and able to deploy for any crisis anywhere in the world. The NRF was declared fully operational at the Riga Summit in November 2006 and can be a key asset in any future counter-terrorism operation. Combining land, air, sea, and Special Forces into one package, the NRF is deployable with five days of a North Atlantic Council decision to do so.

14.   NATO has also developed key capabilities in the management of a possible terrorist attack. In Prague the Allies agreed on five initiatives to develop capabilities in dealing with chemical, biological, radiological, or nuclear (CBRN) attacks. The largest of these initiatives was the creation of a Multinational CBRN Defence Battalion, which can be deployed with NATO forces or on its own to provide a full range of CBRN defences, including reconnaissance, detection, and light and heavy decontamination units was created. The Battalion has already been deployed to aid civilian authorities during the 2004 Olympic Games in Athens, Greece. In addition, NATO has compiled an inventory of Allies' capabilities to respond to a terrorist attack that can be called upon if an incident occurs.

15.   The Alliance has also improved intelligence sharing since 9/11. At the Istanbul Summit in 2004, the Allies agreed to create a joint Terrorist Threat Intelligence Unit, which uses both civilian and military intelligence resources to provide advice to the NAC and the NATO staff. However, as intelligence is by its nature confidential and paramount to each nation's security, most intelligence sharing still happens on a bilateral basis, making it difficult for NATO to add value in this area. Still, a thorough review of NATO intelligence is underway to identify ways to ensure that NATO staff has timely access to accurate intelligence to inform decision-making.

16.   NATO's operations are also aiding the struggle against terrorism. OAE, NATO's only Article 5 operation, continues to help detect and deter terrorist activity in the Mediterranean. Its mandate has been expanded since it was created in 2001 to cover the entire Mediterranean and to counter terrorism in the region, broadly defined.   OAE now involves intelligence sharing to target specific vessels of interest that can be tracked, or even boarded. NATO ships also patrol and survey choke points in the region, such as important passages and harbours. In addition, NATO Operations in Afghanistan and in the Western Balkans also include significant counter-terrorism components. These operations rely on NATO's main comparative advantages in fighting terrorism - its integrated military structure, highly developed military planning mechanisms, and more intangibly, its moral authority as an alliance of democracies.

17.   Partnerships, too, are part and parcel of the fight against terrorism. NATO and Partner countries agreed to the Partnership Action Plan on Terrorism in November 2002, which provides a framework for co-operation against terrorism. This mechanism is important for generating political will to fight terrorism across a broad range of states and for exchanging information on preparedness as well as on ways to impede support to terrorist groups. Co-operation on terrorism is also a key aspect in the founding charter of the NATO-Russia Council (NRC), signed in 2002. The NRC draws up an annual action plan on terrorism and conducts training exercises to manage the consequences of a terrorist attack. In 2006 Russia joined OAE. NATO's

Mediterranean Dialogue also contributes to the fight against terrorism which, through individual co-operation programmes (ICP), offers the opportunity to focus more on terrorism. NATO and partner countries also established the Euro-Atlantic Disaster Response Coordination Centre (EADRCC), a mechanism through which NATO can coordinate responses to a terrorist attack or other disaster by all NATO Allies and Partners. The EADRCC helps to avoid duplication in an emergency, and also facilitates training to improve capabilities.

18.   The NATO-led International Security Assistance Force (ISAF) in Afghanistan is by far the most important contribution of the Alliance to the fight against international terrorism. It is the most challenging mission NATO has ever taken on and its primary task there is to assist the Afghan authorities in providing security and stability. In addition, the Alliance has also become involved in reconstruction efforts. Significant progress has been achieved, but the security situation in Afghanistan markedly worsened during 2006, particularly in the south of the country. Suicide bombings, previously unknown in Afghanistan, have increased fourfold from 2005 and the Taliban were able to perform major military operations against Afghan and ISAF units at the end of last year. Security has also deteriorated in other parts of Afghanistan, including in Kabul. The decreased level of security has already hampered reconstruction efforts and limited NGO assistance activities mainly to urban areas.   This year's General Report of the Political Committee offers a closer look of the operations in Afghanistan.

IV.   IRAQ

19.   The US administration Iraq has defined the Iraq war as the "front line in the 'war on terror'". The involvement and the presence of the Alliance in Iraq has been limited, however. NATO has provided communications, logistical and intelligence support to the Polish-led multinational division in Iraq and it has engaged in the NATO Training Mission-Iraq (NTM-I). Through NTM-I, NATO has trained over 4.000 mid and senior-level military officers in country, and over 900 officers in NATO and national facilities. NTM-I also co-ordinated donations of equipment to Iraq from a number of NATO countries worth more than €110 million in the last two years.

20.   Despite the progress made by the Iraqi Government with regard to political conciliation, the overall security picture has been steadily deteriorating. Since 2003 an estimated 64.000 Iraqi civilians died as a result of insurgents' attacks and sectarian violence. Iraq has become one of the most dangerous places in the world. Sectarian clashes have continued to increase, as has the insurgents' capacity to organize high-impact attacks mainly through car-bombings. According to the UNHCR, an estimated 2 million Iraqis have fled to neighbouring countries, primarily Jordan and Syria, and 1,9 million Iraqis are internally displaced in Iraq. Nearly 50.000 Iraqis leave the country every month. At the time of this writing, the deployment of 17.500 additional US troops as part of a major US-Iraqi "surge" operation to secure Baghdad appears to have reduced sectarian violence somewhat. But it remains to be seen whether the stationing of additional troops will turn the tide.   According to a recent ABC News/USA Today/BBC News/ARD TV poll, only 26% Iraqis feel safe in their neighborhoods and 80% have experienced some forms of attack. Furthermore, living and economic conditions are significantly deteriorating given not only the worsening security situation but also the lack of rule of law, as well as rising levels of corruption. Iraq has become a training ground for terrorists and the US Defense Intelligence Agency (DIA) estimates that approximately 10% of the Iraqi insurgency consists of foreign fighters, the majority of whom are allegedly suicide bombers.

21.   The decision to go to war in Iraq had badly strained the transatlantic partnership, NATO, and also the EU. The Allies differed on whether Iraq represented an immediate threat and whether it was justified to use force against the regime of Saddam Hussein.   While these tensions have now settled somewhat, there is still no transatlantic consensus on the best way to promote stability in the country.

22.   The US focus on Iraq war has jeopardized the early military victory in Afghanistan in 2001. Moreover, the 2006 US National Intelligence Estimate concluded that the Iraq war has fuelled the growth of Islamist extremism. The war has also created a climate of growing mistrust between Islam countries and the West. Many Muslims throughout the world regard the war in Iraq as unjust and there is a deep suspicion of US motives among the Muslims in the region. The pictures of the Abu Ghraib prison and related events have not improved the US image among Muslims. As a result, anti-American sentiments among Muslims around the world have increased significantly.

V.   THE BROADER MIDDLE EAST

23.   Some can argue that terrorist action is also a result of policy, primarily the perceived injustice in Palestine and the presence of a non-Muslim military on sacred Muslim soil in Saudi Arabia.   The Middle East conflict is one of the most important, if not the most important, stumbling blocks on the path toward reducing terrorism. Many Muslims are critical of the US and the West because they perceive that we have backed repressive regimes in the Middle East and that we appear to be tacitly supporting repression and imprisonment of dissenters. Moreover, many Muslims perceive that the US and the European countries support Israel and its occupation of Arab and Muslim territories. They feel that the US and the West are applying double standards and they also cannot understand the opposition to Iran's nuclear programme while Israel's was ignored. However, the primary enemy for Islamic fundamentalists is not the US and the West but their own governments and ruling elites, which have failed to prevent the corruption of their religion and to protect Muslim society from the unholy influence of the secular world. The US and the Allies are being targeted because they are perceived to be in support of these oppressive governments and policies.

24.   There is a link between political repression and the rise of terrorist movements. However, we need to be careful with advocating regime change. We cannot and we must not impose our political system on others. Rather, our priority should be to help these countries allow political participation of all their citizens, rule of law and for economic opportunity.

25.   Secular governments across the Broader Middle East face a surge in conservative religiosity that supports an extreme form of political Islam. Many countries in this region have suffered terrorist attacks from local groups that have emerged from the repressed extremists. Their governments have outlawed extreme Islamist parties that would be likely to win large parliamentary blocs — if not majorities — were they allowed to participate in free and fair national elections. But the circumscribed democracy that exists throughout the region also prevents more liberal elements of civil society from participating in politics as well. Islamist movements appear to be gaining ground and they can easily exploit the disenchantment with repressive, corrupt regimes particularly among the young generation that forms a high percentage of the population in many Arab countries and many of whom are unemployed. Economic development alone, however, does not suffice to address the problem. In fact, a recent study by the Gallup Centre for Muslim Studies in ten Muslim countries showed that wealthier and better-educated Muslims are more likely to be radicalised. Islamist movements easily exploit the Internet and Arabic satellite TV stations to spread their militant political messages.

VI.   THE NEED FOR BROAD INTERNATIONAL CO-OPERATION

26.   The fight against terrorism is being fought on many fronts: military, intelligence, diplomatic and financial. NATO's role in this fight is important, but limited. International co-ordination and

co-operation are and remain crucial to counter the threat, both at the international level, as well as on the bi-lateral level.

A.   THE ROLE OF THE UNITED NATIONS

27.   The UN has much to contribute to the development and implementation of an effective strategy to combat internationally active terrorist groups. The UN's most important contribution is that it establishes a legal framework for counter-terrorism and that it provides legitimacy in combating terrorist groups. The UN Security Council (UNSC) has passed numerous binding counter-terrorism related resolutions. To monitor member states' implementation of these obligations and to strengthen their counter-terrorism infrastructures it also established a number of subsidiary bodies. Moreover, the UN General Assembly has adopted a Global Counter-Terrorism Strategy thus marking an important consensus in the UN on terrorism.

28.   Shortly after 9/11 the UNSC adopted Resolution 1373, which required all 191 UN member countries to freeze the financial assets of terrorists and their supporters, deny them travel or safe haven, prevent terrorist recruitment and weapons supply, and cooperate with other countries in information sharing and criminal prosecution. To monitor state compliance with these obligations and to strengthen their counter-terrorism capacities, Resolution 1373 created the Counter-Terrorism Committee (CTC).

29.   UN activities have raised awareness among member states of the importance of international co-operation on counter-terrorism, but political and institutional limitations, including the consensus decision-making process that makes it difficult to take action in a timely fashion, as well as a lack of financial and human resources, impede the UN's efforts. Moreover, the UNSC's counter-terrorism activity has been mostly reactive, with the majority of Council resolutions dealing with terrorism having come in the aftermath of an attack or another major event. As a result, the Security Council's efforts against terrorism are both incoherent and uncoordinated. The CTC relies exclusively on reports from member states and has no possibility to verify if countries are actually implementing counter-terrorism mandates.

B.   THE ROLE OF THE EUROPEAN UNION

30.   The 9/11 terrorist attacks, as well as the later attacks in Madrid and London, were also calls to action for the European Union. While the EU gives primary responsibility for protecting citizens to the member states, the Union feels it can add value to the fight against terrorism by confronting networks of terror with networks against terror. Therefore, in the months following 9/11, European leaders agreed to a series of broad political measures intended to improve co-operation in the fight against terrorism. The EU's initial "Plan of Action to Combat Terrorism", agreed within the context of the Common Foreign and Security Policy in late September 2001, aimed to enhance police and judicial co-operation, while fighting terrorist financing and improving air security. This was followed by an agreement to create a European Arrest Warrant, thus speeding extradition of terrorist suspects and other criminals within the EU, and a common definition of terrorism. In March 2004, in the wake of the Madrid bombings, the EU member states agreed to a new "Declaration on Combating Terrorism" which, among other things, created an agreement on solidarity among the member states in the event of another terrorist attack. The EU also created the position of Counter-Terrorism Coordinator, who would report directly to the High Representative of CFSP. The EU has a number of instruments outside ESDP that are important in this area, such as an agreement on data sharing via Europol's anti-terrorist cell, and Eurojust, designed to co-ordinate investigations and prosecutions between national prosecuting authorities.

31.   In the wake of the attacks in London in July 2005 the British Council Presidency sped the creation of a unified "EU Counter-terrorism Strategy." Along with its accompanying action plan, with its 160 specific measures, this Strategy is a comprehensive document combining steps to fight terrorism across all three EU pillars. The Strategy's headline commitment is "to combat terrorism globally while respecting human rights, and make Europe safer, allowing its citizens to live in an area of freedom, security, and justice." It is important to note that security and the preservation of fundamental rights are given equal weight in this statement. The Strategy is divided into four work streams – prevent, protect, pursue, and respond – each of which has its own key priorities. The work streams aim to improve upon national efforts by strengthening national capabilities, facilitating European co-operation, developing collective capability, and promoting international partnership. The Council meets to review the progress on implementing the Strategy every six months, and prior to this meeting a High Level Political Dialogue on Counter-Terrorism takes place, with representatives from the Council, the Commission, and the European Parliament. The EU has also assisted the US in the areas of police and judicial co-operation, in particular regarding regulation on extradition and police surveillance.

32.   While the EU has now created a unified counter-terrorism strategy, implementation of this strategy is left to the member states. In practice this means that member states differ radically in their counter-terrorism legislation. In general, smaller and less affluent states have had difficulties advancing their legislation as speedily as the larger member states, many of whom had counter-terrorism legislation even prior to 9/11. More co-operation among member states in implementation of counter-terrorism policies would certainly add to the security of the Union as a whole. Other areas for improvement within the EU framework are better sharing of information and best practices, and better coordination of counter-terrorism related external development assistance.

VII. THE DIFFICULTY OF MAINTAINING A "COMMON FRONT" AGAINST TERRORISM

33.   Although 9/11 and other attacks such as those in Turkey in 2003, in Spain in 2004 and in the United Kingdom in 2005 created a general consensus that the transatlantic partners face a similar threat, there are significant differences, across the Atlantic on the means to employ to counter the threat. In the US, the terrorist attacks led to the largest expansion and restructuring of the security agencies in US history. This has not been the case in European member countries, as a number of them have been exposed to terrorism long before and had already adapted their law enforcement structures and legal means. However, the EU has introduced a broad array of structures and initiatives to allow for a more integrated and co-ordinated management of its policies to address the problem.   `[Formatted: Bullets and Numbering]`

34.   Many governments have introduced new anti-terrorism legislation and the issue remains high on the agendas in member countries. Surveillance of private individuals and the collection of data about them has been greatly expanded. But there has also been concern that the character of our open societies may change to the worse. One of the challenges the Allies face is that they have partly different answers on how to balance civil liberties against the need to increase security. The issue is primarily related to domestic legislation and it is up to every individual country to define the proper balance between civil liberties and increased state control. However, there are also important foreign and security aspects to it.   `[Formatted: Bullets and Numbering]`

35.   NATO allies share the same values, including the emphasis on the "rule of law" and a strong case can be made that protecting human rights and strengthening democracy are essential over the long term to the fight against terrorism. Holding on to our values and obtaining the strongest international legitimacy will make it easier to combat terrorists.   In contrast,   `[Formatted: Bullets and Numbering]`

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allegations of war crimes and torture undermine our values and make it more difficult to reach out to Muslim countries.

36.   Tackling terrorist groups also requires co-operation with countries that do not necessarily share our values. Terrorist movements often arise in societies where civil and human rights are denied and opportunities for political expression are lacking. The difficulty is that we also need to co-operate with repressive governments and some of our partner countries in the fight against terrorism use our co-operation for their own domestic purposes. While we cannot and should not impose our values on others, we need to recognise that democracy can be a tool against terrorism and we must resist any temptation to weaken our democratic values. On the contrary, we must encourage other states to adhere to liberal democratic values as well.

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37.   There is no trade-off to be made between human rights and terrorism and upholding human rights is not at odds with battling terrorism. . On the contrary, the moral vision of human rights — the respect for the dignity of each person — is among our most powerful weapons against it. We must not torture, arrest without justification, and hold individuals outside the law. These are means employed by terrorist groups like al Qaeda. To compromise on the protection of human rights would hand terrorists a victory they cannot achieve on their own. Therefore, the promotion and protection of human rights should be key part of our strategy to combat terrorism.

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38.   We need to use the "soft power" of values and ideas as well as military strength to defeat extremism. We must avoid 'politics of fear' – which is the primary weapons that terrorist employ – and we must also resist the promotion of a vision of Islam as the Evil Power. By far the most Muslims consider terrorist acts to be egregious violations of Islam's laws.

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39.   We must consider the potential costs of avoiding democratisation are far greater in terms of forsaking our values and weakening our long-term security.   When we co-operate with problem countries, we need to balance short-term gains against long-term costs.

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40.   Another problem that our open societies face is how we deal with terrorists and insurgents, as the distinction between military and civilian combatants has become increasingly blurred. In addition to ignoring or violating many fundamental individual rights and liberties, the Bush Administration has been accused of acting in violation of international law, human rights, and the US Constitution in its execution of the campaign, particularly with regard to the internment of so-called "unlawful combatants" in its military prison at Guantánamo Bay, Cuba. Critics emphasise that it has detained many hundreds of prisoners, some of them American citizens, indefinitely, in secret, and without charge or access to a lawyer. Concerns have also been raised about the creation of special military tribunals where traditional safeguards to protect the innocent from conviction will not be available. Designated by the US authorities as "unlawful enemy combatants", who are thus denied the privileges of prisoner of war (POW) designation in accordance with the Geneva Conventions, many have been held for more than five years without knowing if or when they will be released or brought to any form of judicial process.

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41.   The Bush Administration has also been criticised over the rendition-flights programme of kidnapped suspects. At least 1,245 such flights in EU states occurred since 2001 with the tacit approval and co-operation of some European governments, according to a report by the European Parliament.

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42.   The existence of the CIA's secret prison system and allegations by some former prisoners that they were tortured in these secret facilities have made European public opinion further critical of the US. In addition, critical media reports have prompted a closer look in Europe at the co-operation with US intelligence agencies. Europeans are increasingly concerned about the US's use of airline and banking data of European citizens in terrorist profiling. A German court has ordered the arrest of 13 Americans, presumed to be CIA agents, in the "extraordinary

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rendition" of a German citizen who was later found not to have any connections to terrorism. Critics have chided the US and some European governments to "outsource torture."

VIII. WHERE DO WE STAND?

43. Five years after President Bush has declared the "war on terror" it is difficult to assess where we stand. There are no clear benchmarks against which we could measure success or possible failure. Moreover, the inherent secrecy of terrorist and government actions makes it almost impossible to provide a clear picture. Failure or success in combating terrorist groups becomes public only after an attack or after a foiled attempt.

44. Your rapporteur would like to caution that calling the fight against international terrorist groups a "war on terror" is a mistake. The term is vague and simplistic and suggests that we could win this struggle by applying primarily military means. Groups like al-Qaeda are not governments that can be subdued by war but a diverse network of non-state actors spread across more than sixty countries.

45. It appears that the general picture is mixed. One main success certainly is that Afganistan is no longer ruled by the Taliban. International awareness of and co-operation against terrorism has greatly increased. As to the bi-lateral and multi-lateral co-operation, a number of new initiatives, been have developed, such as the Container Security Initiative (CSI). With regard to NATO, it has engaged in a major transformation which is directed to make it much more responsive to fight terrorism. NATO has developed and expanded its capabilities that are important in tackling the threat posed by internationally active terrorist groups.

46. According to reports, a number of major terrorist attacks have been thwarted and numerous high-profile terrorists have been arrested or killed. Foiled plots like the trolley bomb case near Cologne in Germany in July 2006 and the London airplane in August, which had a large impact on civilian air travel, demonstrate that the threat has not subsided, but that national and international authorities are making progress in tracking these threats.

47. But 'despite being forced to decentralize its network, al-Qaeda retains the ability to organise complex, mass-casualty attacks and inspire others', as the director of the US Defense Intelligence Agency (DIA), General Michael Maples, submitted in a written statement to the US Senate Armed Services Committee. Moreover, according to the 2006 US National Intelligence Estimate, al-Qaeda may have been weakened since the 11 September 2001 attacks, but new radical Islamic groups and cells, which are inspired by Osama Bin Laden but not under his direct control, have been formed. The terror threat to EU member states is "more serious than ever," according to the annual report of Europol, the EU's police office. Al-Qaeda propaganda is now of "greater sophistication and quality" and more "professional" than ever before and the radicalisation of terrorist suspects has become more rapid.

48. As to Iraq, the security is highly fragile and the country is close to a civil war which could spill over to neighbouring countries. The presence of the US-led coalition is proving a recruiting tool for young radical Muslims worldwide, but a precipitous withdrawal of the troops would probably make the situation worse, thereby aggravating the terrorism problem.

49. By concentrating on Iraq, we diverted already scarce resources from improving the situation in Afghanistan. As a result, we have made less progress there than was possible, and there is still unrest and instability in Afghanistan while the Taliban are resurging. Moreover, the focus on Iraq distracted us from addressing other important issues, in particular Iran, which has been accused of assisting terrorist organisations. American intelligence officials allege that Iranian paramilitary groups are providing weapons and sophisticated bombs to Iraqi Shiite groups

thereby helping the insurgency there. Tehran was also able to continue pursuing its controversial nuclear programme. If Iran decided to develop nuclear weapons, it could lead to the further proliferation of WMD and would further destabilise the Gulf's already volatile security. (The Iranian problem contains the basis for another transatlantic clash. The clash could emerge over whether the idea of Iran having nuclear weapons is something that is inevitable and worth the risk of war.)

50. The greatest threat to our security is a "nexus between terrorist networks, terrorist states and WMD" as former US Secretary of Defense Donald Rumsfeld described. Here, too, the picture is mixed as international co-operation has increased and new partnerships developed. Programmes like the Global Initiative to Combat Nuclear Terrorism and the Proliferation Security Initiative (PSI) have generated additional capabilities among participating countries to combat the global threat of nuclear terrorism. However, there has been no progress with regard to the Nuclear Non-Proliferation regime (NPT) which is worrisome as the danger of WMD proliferation appears to increase and the possible nexus of terrorism, "states of concern" and WMD proliferation has become a major security concern.

IX. PRELIMINARY RECOMMENDATIONS

51. Despite the achievements in combating terrorism, the threat posed by International terrorist groups has not abated. NATO provides the essential transatlantic dimension in combating terrorism, but terrorism cannot be defeated by military means alone, and therefore NATO should use its political-diplomatic clout more and more effectively. The Alliance needs to re-invigorate its ability to achieve political consensus, agree on common concept and act as a coalition. To that end, NATO needs to expand and refine some of the policies it has developed.

52. One of the areas where NATO could take on additional responsibility is homeland defence, and its role in this area could be to co-ordinate national policies across the Atlantic. Certainly the main responsibility for protecting citizens from terrorist attacks belongs with national authorities and homeland security will always remain an essential competence of every nation's government. However, NATO has already had a role in homeland defence and homeland security since the Cold War. What is more, military forces have always co-operated with civilian authorities in responding to natural disasters, sealing borders or protecting critical infrastructure.

53. A more prominent role for NATO in homeland defence should be co-ordinated as closely as possible with the EU which is increasingly becoming active in this area. Close co-operation with the EU is particularly important as its instruments to tackle terrorism cover areas NATO does not address, such as cross-border law enforcement, border control co-operation and foreign policy.

54. NATO's political clout should also be used more effectively with regard to partner countries. As the Broader Middle East is of critical strategic importance, the Allies should expand the engagement with neighbouring states by developing existing programmes like the Mediterranean Dialogue and the Istanbul Co-operation Initiative (ICI) using the experience and assets of NATO's Partnership for Peace.

55. A just and lasting solution to the Israeli-Palestinian conflict would go a long way to tackle the problem of Islamist terrorism. Although NATO is not involved in settling this conflict, NATO should consider adding its political and diplomatic weight to finding a solution. For example, the NAC could be used to devise joint transatlantic initiatives that could help to co-ordinate the policies and initiatives of member countries as well as those of the US and the EU. Moreover, NATO could provide additional training assistance to Mediterranean Dialogue or ICI partner countries. A greater emphasis should be placed on cooperation with countries that develop democratic structures and respect human rights. Here too, it would be important to co-ordinate

with the EU as the latter could offer non-military assistance and training that are relevant in tackling terrorism.

56.   Finally, the developments in the last five years have underlined the importance of public diplomacy, both in terms of maintaining support at home and co-operation abroad. NATO allies should better orchestrate their activities among themselves. To that end NATO's capacities should be strengthened and more funding as well as expertise made available.

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